

2017 ZONING CHANGES
Thursday 12.15.2016 – Approved to “Move to Ballot”

1) Are you in favor of the adoption of the following amendments as proposed by the Planning Board for the Greenland Zoning Ordinance?

A) Article II, Definitions: Amend by adding **“AMBULATORY SURGICAL CENTER: Also known as outpatient surgery/non-emergency centers, or same day surgery, are health care facilities where surgical procedures not requiring an overnight hospital stay are performed. Such surgery is commonly less complicated than that requiring hospitalization”**.

B) Article III, Establishment of Districts and Uses, Section 3.6 – Table of Uses, Subsection E – Medical Services: Amend to **allow (1) Outpatient Medical Offices and Clinics, and (2) Ambulatory Surgical Centers in the Commercial C (CC) Highway District by Conditional Use Permit (CUP) as well as Standard of Review criteria. **SEE ATTACHED****

2) Are you in favor of the adoption of the following amendments as proposed by the Planning Board for the Greenland Zoning Ordinance?

Article III, Section 3.2 – Location, and Appendix A – Zoning District Descriptions, Section 3.2.1.2 - Commercial A District: Amend the Greenland Zoning Map by **rezoning Map U5, Lot 10 (29 Cemetery Lane) from Residential to Commercial A.**

3) Are you in favor of the adoption of the following amendments as proposed by the Planning Board for the Greenland Zoning Ordinance?

A) Article III, Establishment of Districts and Uses, Section 3.7.11 – Accessory Dwelling Units: Delete existing definition and replace with **“a residential living unit that is appurtenant to a single family dwelling and that provides independent living facilities for one or more persons, including provisions for sleeping, eating, cooking and sanitation on the same parcel of land as the principle dwelling unit it accompanies, per RSA 674:67 as amended”**.

B) Article III, Establishment of Districts and Uses, Section 3.7.11 – Accessory Dwelling Units, Subsection 3.7.11.2: Amend as follows – **“The living area of the accessory dwelling unit shall not exceed the maximum assessed gross area of 800 sq. ft. of conditioned space. The accessory dwelling unit shall not contain more than two (2) bedrooms”**.

C) Article III, Establishment of Districts and Uses, Section 3.7.11 – Accessory Dwelling Units, Subsection 3.7.11.3: Amend as follows – **“An interior door shall be provided between the principle dwelling unit and the accessory dwelling unit”**.

4) Are you in favor of the adoption of the following amendments as proposed by the Planning Board for the Greenland Zoning Ordinance?

Article VI – Signs: Repeal and replace in its entirety. Full text of the proposed amendment is available at the Town Hall from 7:45 a.m. until 3:45 p.m. ****SEE ATTACHED****

- 5) Are you in favor of the adoption of the following amendments as proposed by the Planning Board for the Greenland Zoning Ordinance?

Article XV, Miscellaneous Provisions, Section 15.2 – Lot Merging: Repeal in its entirety.

STANDARD OF REVIEW CRITERIA
Item 1B: Article III, Establishment of Districts and Uses
Section 3.6 – Table of Uses, Subsection E – Medical Services

The following criteria shall be considered by the Planning Board when reviewing the Conditional Use Permit application for these uses:

- 1) Conditional Use Permit: Medical Offices and Clinics (outpatient only) and Ambulatory Surgical Center (refer to Article II, Definitions).
- 2) Application and Review Procedure: An application shall be initiated by filing with the Planning Board for a Site Plan Review and Conditional Use Permit. The following procedures shall apply:

Site Plan Approval Required: A Site Plan Review application shall be submitted with any application for a Conditional Use Permit. The application and review procedure for a Conditional Use Permit shall be made concurrently and in accordance with the Site Plan Review Regulations as applicable to the particular development.

- 3) Standards of Review: Following a fully noticed public hearing on the proposed use, the Planning Board may issue a Conditional Use Permit if it finds, based on the information and testimony submitted with respect to the application, that:
 - A) The development shall comply with all requirements of the Town of Greenland’s Site Plan Review Regulations as well as any site specific conditions established by the Planning Board.
 - B) The use will not materially endanger public health or safety.
 - C) Traffic and parking associated with the proposed use shall safely operate with other land use(s) on the property.
 - D) The use will not have a substantial adverse impact on highway or pedestrian safety.
 - E) The proposed use shall not degrade existing Level of Service (LOS) to a point where the public’s health and safety is endangered.

ARTICLE VI: SIGNS
Repeal and Replace in its Entirety

6.1 PURPOSE & INTENT

The purpose of this Article is principally to regulate the allowance, number, size and placement of signs in order to promote the public health, traffic safety, and welfare of the residents and visitors to the Town by eliminating obtrusive and/or inappropriately placed signs; and to eliminate excessively large, excessive numbers of signs, or otherwise offensive signs that would detract from the calm and enjoyable semi-rural nature of the Town of Greenland.

The intent of the 2017 amended Town of Greenland Sign Ordinance is to ensure compliance with the constitutional requirements under the First Amendment, as well as to ensure public safety and meet the goals of the Town of Greenland Master Plan.

6.2 GENERAL

- 6.2.1 **Applicability to Zoning District:** The provisions of this Sign Ordinance are applicable to all zoning districts.
- 6.2.2 **Size and Number:** The standards of this Sign Ordinance for maximum number and maximum square feet area are limits which cannot be exceeded.
- 6.2.3 **Basis of Standards:** The standards of this Sign Ordinance apply on a per lot basis with the exception of wall signs, which apply on a per business basis.
- 6.2.4 **Number of Sides:** All signs are limited to two sides, i.e. all signs shall be substantially two dimensional.
- 6.2.5 **Durability and Maintenance of Signs:** Every sign shall be constructed of weather durable materials and shall be maintained in good condition and repair at all times. The Code Enforcement Officer will be the arbiter of determining condition of repair, and will notify the sign owner to *repair or* remove the sign at the owner's expense.
- 6.2.6 **Maintenance of Immediate Area Around Outdoor Signs:** The owner, lessee, or manager of an outdoor sign, and the owner of the land on which the same is located, shall keep grass or weeds and other growth cut, and debris and rubbish cleaned up and removed from the area of the sign.
- 6.2.7 No sign shall be erected in, or adjacent to, any public way or sidewalk in such a manner as to obstruct clear and free vision, or where, by reason of its position shape, color, illumination or other design feature, the sign may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device or otherwise interfere with, or constitute a hazard to, pedestrian or vehicular traffic.

6.3 DEFINITIONS OF SIGN TYPES AND CHARACTERISTICS

Sign shall be defined as a surface containing text and/or graphics intended to convey a message to a viewer in a public space.

AIRBORNE SIGNS: A sign aloft and secured to either a balloon or powered craft. See “Prohibited Signs” in Section 6.4.

AREA: Sign area shall include all lettering, wording, and accompanying designs and symbols, together with the background on which they are displayed, including the frame around the sign, and any cut-outs or extensions, but not including any supporting structure or bracing. Only (2) two-sided *nominally two dimensional* signs are permitted, the area of which ~~will~~ *shall* be the larger of ~~any~~ *either* rectangular projection of that sign. (6.2.2)

AWNING SIGN: Any sign painted on, sewn on, attached to, or woven into any awning.

BANNER SIGN: Any sign constructed of fabric or flexible material and having a banner geometry.

BILLBOARD: An off premise sign intended to convey a message. See “Prohibited Signs” in Section 6.4.

BLADE SIGN: A sign which is affixed perpendicular to the front surface of a building. See “Prohibited Signs” in Section 6.4.

DIRECTIONAL SIGNS: A sign identifying the location of, direction to, or separate function performed, within one portion of that building. For example: “Entrance”, “Exit”, “Auditorium”, etc., which do not name or advertise any activity.

DIRECTORY BOARD: A wall sign permanently attached to a building wall at ground floor level and containing name identification for more than one activity or located in one or more adjacent buildings.

DIRECTORY SIGN: A freestanding sign containing listings of two or more commercial uses or users, and located along the entrance way for the smooth and safe flow of traffic.

ELECTRONIC SIGN: A sign with a fixed or varying display and/or message composed of a multiplicity of lights that may be changed through electrical or electronic means.

FEATHER SIGN: A sign made of fabric or fabric-like material that is attached to a tube, rod or pipe, over its full length and typically displayed in a near vertical orientation. See “Prohibited Signs” in Section 6.4.

FLAG: A piece of cloth fabric, or other pliable material, substantial size, distinctive color and design, used as a symbol, standard, signal or emblem. Flags can include governmental flags, artistic renderings, and the like.

FLASHING AND ANIMATED SIGNS: Those signs which include text or graphics that flash, rotate, modulate in light intensity, or have dynamic (changing) text and/or graphics; time and temperature displays are considered Flashing Signs. See “Prohibited Signs” in Section 6.4.

FREESTANDING SIGN: Any sign structurally separate from a building, being supported on itself, on a standard, or on legs. Freestanding signs shall be fixed in place and permanently anchored to the ground.

MOBILE SIGNS: A sign which is separately mounted on a movable or moving chassis or towed vehicle. See “Prohibited Signs” in Section 6.4.

PORTABLE READER SIGNS: A sign typically with removable and replaceable letters and/or numbers used to convey a specific message. A sign not permanently attached to the ground nor designed for permanent installation.

REMOTE SIGNS: A sign advertising a business that is not located on the business property, and/or not located in the Town of Greenland. See “Prohibited Signs” in Section 6.4.

ROBOTIC SIGNS: Any sign attached to, painted on, or borne by a self-autonomous robot or humanoid-like machine whether or not under continuous or nominally continuous control of a human. See “Prohibited Signs” in Section 6.4.

ROGUE SIGNS: Signs listing only a telephone number or email address as the sole means of contact and do not include a business or professional name. See “Prohibited Signs” in Section 6.4.

SIGN STRUCTURE: The supports, uprights, braces and framework of a sign.

TEMPORARY SIGNS: A sign not permanently affixed to any related sign structure, building, etc., and intended to be displayed for no more than thirty (30) days in any 365 day period. The Code Enforcement Officer, or other designated Town officials may extend the permit for up to ninety (90) days.

VEHICLE SIGN: A sign mounted, painted or otherwise placed on a trailer, truck, automobile or other vehicle, so parked or placed so that the sign thereon is visible from a public street or right-of-way and is so parked primarily for the purpose of displaying advertising information.

VEHICLE WRAP SIGN: A sign affixed to the exterior surface of an entire, or substantially entire, vehicle. See “Prohibited Signs” in Section 6.4.

WALL SIGN: A sign attached to, painted on, placed against, or supported by the exterior surface of any building.

WINDOW SIGN: A sign placed on, affixed to, painted on, or located within the casement or sill area of a window.

6.4 PROHIBITED SIGNS

The following types of signs are prohibited in all Zoning Districts:

- A) **Airborne Signs** below 300 feet altitude. (Airborne signs at higher altitudes are regulated by FAA rules.)

- B) **Attention Attracting Devices** including, but not limited to: banners, pennants, searchlights, balloons or other gas-filled items, propellers, spinner streamers, reflector(s), strobe lights, flashing lights, strings of lights, and similar devices for serving the purposes of attracting attention.
- C) **Blade Signs**
- D) **Feather Signs**
- E) **Flashing, Mobile and Animated Signs** (refer to the Definitions, Section 6.3)
- F) **Illuminated Trim** whose specific purpose is outlining any part of a building such as a gable, roof, sidewalk or corner (excluding holidays).
- G) **Non-Planar/Flat Signs**
- H) **Remote Signs**
- I) **Rogue Signs**
- J) **Robotic Signs**
- K) **Signs** affixed to public service surfaces such as utility poles, light poles, and traffic control enclosures are (with the exclusion of signs directly related to the public service surface - such as an identification text and numbers.)
- L) **Signs** located at the rear of a premises and facing residential property.
- M) **Signs** of a non-governmental nature located on public right of way or Town of Greenland property.
- N) **Signs** painted directly on the wall of a building, fence or other accessory structure, or directly on any paved surface (other than duly authorized traffic control information).
- O) **Strings of Lights** shall not be used for the purpose of either advertising or attracting commercial attention and are also prohibited as an adjunct to advertising and/or commercial activity unless part of an approved plan submitted to the Planning Board.
- P) **Vehicle Wrap Signs** are prohibited if they are visible from a public way unless they are attached to a registered and inspected vehicle. All vehicle wrapped signs shall not be abandoned in place for more than 14 consecutive days. Vehicles with wrap signs which are transiting the Town of Greenland on State or Interstate highways are not regulated while in transit.

6.5 EXCEPTIONS AND SIGNS NOT REQUIRING A PERMIT

Signs not requiring a Sign Permit are defined as follows:

- A) **Signs** erected and maintained for public safety including traffic and directional signs and public welfare, or pursuant to and in discharge of any governmental function, or required by law, ordinance, or governmental regulation.

- B) A **Name sign** not exceeding one (1) sq. ft. in area identifying the name or names of residents of the premises where such sign is located; **combination house number and name plates** shall not exceed two (2) square feet in area for each residential building.
- C) **Garage/Yard Sale signs**, limited to four (4) sq. ft. area, are temporary signs not requiring a sign permit, and can be placed no earlier than 72 hours prior to the start of the sale and must be removed no later than 24 hours after completion of the sale.
- D) **Flags** of any type shall not require a permit but are limited to three (3) on any parcel.
- E) **Home Produce and Products signs** which are not illuminated are permitted in any zone as temporary signs; limit of two (2), not exceeding four (4) sq. ft. each. (6.5.5)
- F) **Directional Signs:** Those signs which provide directions or instructions and are located entirely on a property to which they pertain and do not exceed four (4) sq. ft. area, and are no higher than four (4) ft. above ground level, and do not in any way advertise a business. This includes, but is not limited to, signs that indicate ingress and egress, signs which identify restrooms, parking areas, defined smoking areas, entrances and exits.
- G) **No Trespassing and No Dumping Signs:** Such signs must not exceed two (2) sq. ft. in area for each sign and must have 200 lineal ft. spacing.
- H) **Window Signs:** Such signs must be painted or adhered directly on a window for the purpose of identifying same to any passerby. Such signs shall be in addition to any and all other authorized signs, must not be directly illuminated, and shall not exceed twenty-five percent (25%) of the window or glass door area on which it is located.
- I) **Vehicular signs** on a truck, bus, trailer or other vehicle while operating in the normal course of business, and are not the primary or sole purpose of the vehicle.
- J) **Neighborhood identification signs** in the Residential Zone including a sign, masonry wall, landscaping, or other similar material and feature may be combined to form a display for neighborhood or subdivision identification provided that the legend of such sign or display shall consist only of the neighborhood or subdivision name.
- K) **Traditional Barber Poles** for licensed barber shops are not considered signs and are exempt from the sign ordinance.
- L) No more than one (1) sign advertising or promoting a home business shall be permitted on any lot in the Residential District.
- M) **Open signs** measuring 2 sq. ft. or less.

6.6 RESTRICTIONS ON ILLUMINATION AND PLACEMENT

- 6.6.1 Illuminated signs in any district shall be illuminated by LED, halogen or fluorescent light. LED illumination is preferred for reasons of energy conservation and extended lifetime.

6.6.2 Any sign, whether illuminated or indirectly lit, in any residential zone or any residence in a commercially zoned property, must be designed so that it does not shine light directly onto any adjacent property or onto any street.

6.7 PERMANENT SIGNS

6.7.1 Free-Standing signs

6.7.1.1 A single free-standing sign is permitted for each lot.

- A) Where two (2) or more businesses or industries share a lot or tract, a single free-standing sign listing all tenants and/or occupants is permitted.
- B) In the event of a lot or tract with frontage on more than one (1) right-of-way, two (2) free-standing signs are allowed, and neither sign shall be mutually visible from the other sign.
- C) No free-standing permanent sign may exceed the following in size:
 - 1) Residential District – Four (4) sq. ft.
 - 2) Commercial and Industrial Districts – Forty-eight (48) sq. ft. for a single business on a single lot; for multiple businesses on the same lot, sixty (60) sq. ft.
- D) The maximum height of any free-standing sign shall be twenty (20) ft. above grade. Grade shall be determined by the grade of the abutting public highway entrance to the lot.
- E) All newly constructed permanent free-standing signs must be located at least five (5) ft. away from the right of way and any property line.
- F) The sign support structure (base) of any permanent free-standing sign shall not exceed ten percent (10%) of the overall height of the permitted sign.
- G) Permanent bulletin boards or similar signs not exceed twelve (12) sq. ft. in area.
- H) A directory sign must be fifty (50) ft. from the edge of the right-of-way and not larger than twenty-four (24) sq. ft. Each listing shall be no larger than two (2) sq. ft. Location and lighting of such sign must have prior approval from the Planning Board during Site Plan review.

6.7.2 Wall Signs/Awning Signs

6.7.2.1 A single wall sign is permitted for each business. Corner lots may have two (2) signs facing the street.

6.7.2.2 Wall signs shall not exceed an area of one-half (1/2) sq. ft. of sign for every linear foot of building (or business) facing the street.

6.7.2.3 Wall signs with changeable copy are limited to eight (8) sq. ft.

6.7.2.4 In addition to a wall sign, awnings with text and/or graphics consisting of one (1) line of copy upon the border, fringe, or valence of the awning shall not exceed eight (8) sq. ft.

6.7.2.5 **Over Door Signs:** In addition to the maximum number and size of permitted signs, identification signs may be erected over or by the doorway to such portion of the

building. The sign area shall not exceed ten percent (10%) of the area of the door for which it is intended.

6.8 TEMPORARY SIGNS

6.8.1 Total temporary sign area shall not exceed thirty two (32) sq. ft. in the Commercial and Industrial Districts only.

6.8.2 The maximum height of a temporary sign shall be ten (10) ft. above ground grade to the top most point.

6.8.3 No temporary sign may be located within eight (8) ft. of the edge of a traveled way, or within four (4) ft. of the paved edge of a sidewalk.

6.8.4 No temporary sign may be displayed for more than two (2) weeks prior to any event bringing about its use; and shall be removed no later than forty-eight (48) hours after the conclusion of the event.

6.8.5 Election-Related Temporary signs

6.8.5.1 Temporary signs for New Hampshire State elections shall be in accordance with RSA 664:17 "Placement and Removal of Political Advertising." Specifically: "No political advertising shall be placed on or affixed to any public property including highway rights-of-way or private property without the owner's consent. The earliest date on which political advertising may be placed or affixed shall be the last Friday in July prior to a State primary. All political advertising shall be removed by the candidate no later than the second Friday following the election unless the election is a primary and the advertising concerns a candidate who is a winner in the primary. No person shall remove, deface or knowingly destroy any political advertising which is placed on or affixed to any private property except the owner of the property or a law enforcement officer removing improper advertising; provided, however, that, before a law enforcement officer removes any advertising, he shall notify the candidate that it is improper, and allow the candidate twenty-four (24) hours to remove the advertisement himself."

6.8.5.2 Temporary Election-Related Signs: Those signs not covered by RSA 664:17 shall be permitted for a period of sixty (60) days before the election date to which the sign refers and must be removed within forty-eight (48) hours after the election has occurred. The maximum size of temporary election-related signs shall be thirty-two (32) sq. ft.

6.8.6 **Temporary New Business Signs:** New businesses may use temporary signs while awaiting arrival of permanent signage; however, they shall be allowed only until permanent signage is installed or for ninety (90) days, whichever is the shorter period of time, and shall be limited to the same area and size requirements as the permanent signage. The ninety (90) day period may be extended by the Code Enforcement Officer.

6.9 NONCONFORMING SIGNS

6.9.1 All signs validly existing prior to the adoption of this Ordinance shall enjoy the status of being valid, non-conforming signs. Existing signs which are rendered non-conforming by this Ordinance shall not be enlarged, expanded, or brought closer than fifteen (15) ft. of the pavement edge or closer than the right-of-way edge, whichever distance is greater. Signs which are replaced shall comply with the provisions of this Ordinance. Normal maintenance and repairs are permitted.

6.10 FEES

A fee shall be charged for each sign permit, payable to the Town of Greenland. See Building Permit Fee Schedule (Building Regulations).

6.11 ADMINISTRATION, ENFORCEMENT AND APPEALS

6.11.1 Administration

All signs, whether temporary or permanent, shall require a sign permit. See Section 6.5 for Exceptions.

6.11.1.1 No permanent or temporary sign shall be erected, moved, or altered until a permit is issued under the terms of this Ordinance.

6.11.1.2 Construction associated with each sign permit issued must be completed within one (1) year of the date of issuance.

6.11.1.3 An acceptable sketch of the proposed design, and an indication of the location and dimensions of all applicable signs located on the lot or tract shall accompany all applications for sign permits. Each permit shall be for one (1) sign only.

6.11.2 Enforcement

6.11.2.1 This Ordinance shall be enforced by the Code Enforcement Officer.

6.11.2.2 If the Code Enforcement Officer finds that any provision of this Ordinance is being violated, he shall notify by registered or certified mail the person determined to be responsible for the violation, indicating the nature of the violation and ordering the action necessary to correct it.

6.11.2.3 The Town Selectmen or Code Enforcement Officer may order the removal of any sign which represents a hazard to public safety or which is found to be in such disrepair so that it fails to perform its originally intended function. The owner of a sign ordered to be removed shall have thirty (30) days to conform with this Ordinance before removal of the sign by the Town. For the purpose of removal, signs shall also include all sign structures.

6.11.2.4 When any violation of any provision of this ordinance is found to exist, the Code Enforcement Officer is hereby authorized and directed to institute any actions and/or

proceedings that may be appropriate or necessary to enforce the provision of this Ordinance.

6.11.2.5 Signs which advertise a business service, activity, or public notice, must be removed by the owner, agent, or person having the beneficial use of the building or premises upon which such sign is found within thirty (30) days after the business, service, or activity has ceased.

6.11.3 Appeals

6.11.3.1 Any person aggrieved by a decision of the Code Enforcement Officer may appeal to the Zoning Board of Adjustment within thirty (30) days of the date of receipt of the notification of violation.